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26389 7590 12/26/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER JOO, JOSHUA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,872	<b>Applicant(s)</b> REASOR ET AL.	
	<b>Examiner</b> Joshua Joo	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 12, 15, 24, 27 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 15, 24, 27, and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

1. This Office action is in response to communication dated 10/15/2007.
2. Claims 1, 12, 15, 24, 27, and 37 are presented for examination.

### **Response to Arguments**

3. Applicant's arguments with respect to claims 1, 12, 27, and 37 have been considered but are moot in view of the new ground(s) of rejection. New ground(s) of rejection are necessitated by Applicant's amendment. Previously submitted claims dated 04/23/2007 did recite a feature that a set of criteria corresponding to the second request also correspond to an initial user request.

4. Applicant's arguments with respect to claim 15 have been fully considered but they are not persuasive. Applicant argued that:

5. (1) Himmel discloses "determining client specific data associated with the requesting client" after "receiving a client query from a requesting client". Himmel does not disclose "automatically querying the two or more computing devices... to identify the contents of local computing device storage locations associated with a unique user identifier".

7. In response, Goel teaches:

col. 6, lines 4-14. "The received search term typically is compared both with indexed electronic content that is stored on the local system to derive a first result and with electronic content that is stored on the remote system to derive a second result".

col. 6, lines 50-64. "The comparison of the search term with both of the local electronic content and the remote electronic content may be performed automatically in response to the single query.

From the above cited sections, Goel teaches of automatically querying two or more computing devices to identify the contents of local computing device storage locations. Goel did not specifically identifying content associated with a unique user identifier. Himmel teaches of "receiving a client query

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from a request client... determining client specific data associated with the requesting client” (claims 5 and 11). There would have to be information identifying the client (client identifier) to retrieve data that is specific to the client.

7. (2) Claim 15 includes many of the same recitations as claims 1 and 27, which recitations, as discussed above are not taught, disclosed or suggested by Goel et al., Genser, and Land et al.

8. In response, Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. It is not clear as to which recitations are not taught, disclosed or suggested. For instance, for arguments to claims 1 and 27, applicant argues that Genser does not teach of a set of criteria corresponding to a second user request and corresponding to an initial user request. However, claim 15 does recite the feature of a “set of criteria”.

### **Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goel et al. US Patent #7,130,841 (Goel hereinafter), in view of Land et al. US Publication #2006/0080306 (Land hereinafter) and Walters et al. US Patent #7,216,115 (Walters hereinafter).

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11. As per claim 1, Goel teaches substantially the invention as claimed including a computer network having two or more computing devices in communication, a method for managing data available for access on the network, the method comprising:

obtaining, at a host computing device included as part of the computing network and associated with a user, a first user request to identify data corresponding to a set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

obtaining an identification of data stored on the host computing device associated with the first user request and matching the set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.);

automatically obtaining an identification of data stored on at least one computing device included in the computer network and matching the set of criteria (col. 6, lines 9-14, 50-64. Automatically query remote system to derive a second result.);

merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on the at least one computing device included in the computer network (col. 7, lines 47-56. Combine the first and second result.);

generating a result of the merging the identification of data stored on the host computing device associated with the first user request and the identification of data stored on the at least one computing device included in the computer network (col. 8, line 5-15. Display the result after combining.);

maintaining a record of the result of the merging the identification of data stored on the host computing device associated with the first user request and the identification of data stored on at least one computing device included in the computer network (col. 8, line 5-15. Display the result. It is inherent that the result is stored in memory while being displayed.);

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obtaining, at the host computing device, a second user request to identify data corresponding to the set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms. It is inherent that a user may make more than one query with the same terms.);

obtaining an identification of content stored on the host computing device associated with the second user request and matching set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.).

12. Goel does not specifically teach of:

determining that at least one other computing device is not available to receive a content query;

recalling the record of the result of the merging the identification of data stored on the host computing device associated with the first user request and the identification of data stored on the at least one computing device of the two or more computing devices included in the computer network;

merging the identification of data stored on the host computing device associated with the second user request and the record of the result of the merging the identification of data stored on the host computing device associated with the first user request and the identification of data stored on the at least one computing device of the two or more computing devices included in the computer network; and

generating a result of the merging the identification of data stored on the host computing device associated with the second user request and the record of the result of the merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on the at least one computing device of the two or more computing devices included in the computer network.

13. Land teaches of a system for querying a search engine for a database, wherein a client device determines that a remote server (other computing device) is unavailable to receive a query and performs a local search (claim 21).

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14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Goel and Land to determine if the other computing device is not available to receive a query and perform a local search. The motivation for the suggested combination is that Land's teachings would allow offline searching of content to respond to a query and prevent the unnecessary querying and waiting of an unavailable device.

15. Goel and Land still do not specifically teach of:

recalling the record of the result of the merging the identification of data stored on the host computing device associated with the first user request and the identification of data stored on the at least one computing device of the two or more computing devices included in the computer network;

merging the identification of data stored on the host computing device associated with the second user request and the record of the result of the merging the identification of data stored on the host computing device associated with the first user request and the identification of data stored on the at least one computing device of the two or more computing devices included in the computer network; and

generating a result of the merging the identification of data stored on the host computing device associated with the second user request and the record of the result of the merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on the at least one computing device of the two or more computing devices included in the computer network.

16. Walters teaches of a search system, wherein the results of prior searches with same terms or keywords are combined with subsequent search records (col. 4, lines 24-31; col. 11, lines 18-26).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the suggested system of Goel and Land with the teachings of Walters to merge a subsequent search record with a search record from a previous search with the same terms or keywords. The motivation for the suggested combination is that Walter's teachings would enhance the system by

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allowing a user to identify and review results of prior and current searches, and provide a sorted list to allow identification of previously reviewed responses.

18. As per claim 27, Goel teaches substantially the invention as claimed including a computer network having a computing device directly associated with a user and at least one remote computing device in communication, a method for managing data available for access on the network:

obtaining, by the computing device directly associated with the user, a first request to identify data corresponding to a set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

obtaining, by the computing device directly associated with the user, an identification of locally stored content matching the set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.);

transmitting, by the computing device directly associated with the user, the first request to the remote computing device for an identification of content matching the set of criteria (col. 6, lines 9-14, 50-64. Automatically query remote system.);

obtaining, by the remote computing device, an identification of locally stored content matching the set of criteria (col. 6, lines 9-14, 50-64. Derive a second result.);

transmitting, by the remote computing device, the identification of locally stored content matching the set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms. It is inherent that a user may make more than one query with the same terms.);

merging, by the computing device directly associated with the user, content matching the set of criteria (col. 7, lines 47-56. Combine the first and second result.); and

generating, by the computing device directly associated with the user, a result of the merged content matching the set of criteria (Paragraph 0025. Displays results to user.);



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maintaining a record of the result of the merging of content matching the set of criteria (col. 8, line 5-15. Display the result. It is inherent that the result is stored in memory while being displayed.);

obtaining, by the computing device directly associated with the user, a second request to identify data corresponding to the set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system.

Search terms. It is inherent that a user may make more than one query.);

obtaining, by the computing device directly associated with the user, an identification of locally stored content matching the set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.);

19. Goel does not specifically teach:

determining, by the computing device directly associated with the user, that the remote computing device is not available to receive a content query;

recalling, by the computing device directly associated with the user, the record of the result of the merging of content matching the set of criteria;

merging, by the computing device directly associated with the user, the identification of locally stored content matching the set of criteria and the record of the result of the merging of content matching the set of criteria; and

generating a result of the merging of the identification of locally stored content matching the set of criteria and the record of the merging of content matching the set of criteria.

20. Land teaches of a system for querying a search engine for a database, wherein a client device determines that a remote server is unavailable to receive a query and performs a local search (claim 21).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Goel and Land to determine if the other computing device is not available to receive a query and perform a local search. The motivation for the suggested combination is that Land's

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teachings would allow offline searching of content to respond to a query and prevent the unnecessary querying and waiting of an unavailable device.

22. Goel and Land still do not specifically teach of:

recalling, by the computing device directly associated with the user, the record of the result of the merging of content matching the set of criteria;

merging, by the computing device directly associated with the user, the identification of locally stored content matching the set of criteria and the record of the result of the merging of content matching the set of criteria; and

generating a result of the merging of the identification of locally stored content matching the set of criteria and the record of the merging of content matching the set of criteria.

23. Walters teaches of a search system, wherein the results of prior searches with same terms or keywords are combined with search records (col. 4, lines 24-31; col. 11, lines 18-26).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the suggested system of Goel and Land with the teachings of Walters to merge a subsequent search record with a search record from a previous search with the same terms or keywords. The motivation for the suggested combination is that Walter's teachings would enhance the system by allowing a user to identify and review results of prior and current searches, and provide a sorted list to allow identification of previously reviewed responses.

25. Claims 12 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goel, Land, and Walter, in view of Smith, US Publication #2002/0059163 (Smith hereinafter).

26. As per claim 12, Goel, Land, and Walter teach of generating the result of the merging a identification of data stored on the host computing device associated with the second user request and the

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record of the result of the merging the identification of data stored on the host computing device associated with the first user request and the identification of data stored at least one computing device included in the computer network. Goel does not specifically teach the result of the merging including generating visual cues to the data not currently available to the user.

27. Smith teaches of searching information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the suggested system of Goel, Land, and Walter with Smith's teachings to display search results and flag the results that are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the system by notifying to the user of content that cannot be accessed.

29. As per claim 37, Goel, Walter, and Land teach of generating the result of the merging of the identification of locally stored content matching the set of criteria and the record of the result of the merging of content matching the set of criteria. Goel does not specifically the result of the merging including generating visual cues corresponding to the data not currently available to the user.

30. Smith teaches of search information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the suggested system of Goel, Land, and Walter with Smith's teachings to display search results and flag the results that are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the system by notifying to the user of content that cannot be accessed.

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32. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goel, in view of Himmel et al. US Patent #6,324,566 (Himmel hereinafter), Genser, US Patent #6,594,670 (Genser hereinafter), and Land.

33. As per claim 15, Goel teaches substantially the invention as claimed including a method for managing data available for access on the network:

obtaining a user request to identify content stored on the two or more computing devices, wherein one of the two or more computing devices is a local computing device (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

automatically querying the two or more computing devices within the computer network to identify the contents of local computing storage locations (col. 6, lines 4-14, 50-64. Automatically query local and remote system to derive a first and second result.);

merging the results of the querying (col. 7, lines 47-56. Combine the first and second result.);  
and

displaying the results of the merge query results (Paragraph 0025. Displays results to user.);

maintaining a record of the result of the merging the results of the querying (col. 8, line 5-15. Display the result. It is inherent that the result is stored in memory while being displayed.);

obtaining a second user request to identify content stored on the two or more computing devices (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms. It is inherent that a user may make more than one query.);

obtaining an identification of content stored on a computing device associated with the unique user identifier and matching the unique user identifier (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.).

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34. Goel teaches of querying to identify contents but does not specifically teach of content associated with a unique user identifier. Goel also does not specifically teach:

determining that the at least one computing device is not available to receive a content query;

recalling the record of the merging of the results of the queries;

merging the identification of data stored on the computing device associated with the unique user identifier and the record of the result of the merging of the results of the queries; and

generating a result of the merging the identification of data stored on the computing device associated with the unique user identifier and the record of the result of the merging of the results of the queries.

35. Himmel teaches of querying content associated with a client identifier (claims 5 and 11).

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the user requests as taught by Goel to be requests for content associated with a client identifier. The motivation for the suggested combination is that Goel suggests that various modifications may be made without departing from the scope of the information. Himmel's would not depart from the scope and would improve the Goel's system by providing additional search criteria to search content.

37. Goel and Himmel still do not specifically teach of:

determining that the at least one computing device is not available to receive a content query;

recalling the record of the merging of the results of the queries;

merging the identification of data stored on the computing device associated with the unique user identifier and the record of the result of the merging of the results of the queries; and

generating a result of the merging the identification of data stored on the computing device associated with the unique user identifier and the record of the result of the merging of the results of the queries.

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38. Genser teaches of maintaining results of a previous search, recalling the results of the previous search, merging the results of the previous search with a current search, and displaying the results of the merging (col. 10, lines 14-26).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel and Himmel with the teachings of Genser to maintain results of a previous search (result of the merging the results of the queries), recall the results of the previous search, merge the result of the previous search with the result of a current search (the identification of data stored on the computing device associated with the unique user identifier), and display the results of the merging. The motivation for the suggested modification is that Goel suggests that modifications may be made without departing from the scope, and Genser's teachings would not depart from the scope. Furthermore, Genser's teachings would allow a user to refine search terms (col. 10, lines 1-9) and provide an organized list of search criteria match results (col. 2, line 65-col. 3, line 3).

40. Goel, Himmel, and Genser still do not specifically teach of determining that the at least one computing device is not available to receive a content query.

41. Land teaches of a system for querying a search engine for a database, wherein a client device determines that a remote server is unavailable to receive a query and performs a local search (claim 21).

42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel, Himmel, and Genser with the teachings of Land to determine if at least one of the two computing devices is not available to receive a query and perform a local search. The motivation for the suggested combination is that Land's teachings would allow offline searching of content to respond to a query and prevent the unnecessary querying and waiting of an unavailable device.

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43. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goel, Himmel, Genser, and Land, in view of Smith.

44. As per claim 24, Goel does not specifically teach the method as recited in claim 15, wherein displaying the results of the merge query results includes generating visual cues corresponding to the data not currently available to the user.

45. Smith teaches of searching information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel, Himmel, Genser, and Land with the teachings of Smith to display search results and flag the results that are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the system by notifying to the user of content that cannot be accessed.

### Conclusion

47. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

48. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

50. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

51. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 17, 2007

JJ

**NATHAN FLYNN**  
**SUPERVISORY PATENT EXAMINER**

